
Appeal Decision

Site visit made on 10 March 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/X1165/Z/20/3245269

345A Torquay Road, Paignton, Devon TQ3 2EP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Clear Channel against the decision of Torbay Council.
 - The application Ref P/2019/1210, dated 8 November 2019, was refused by notice dated 16 December 2019.
 - The proposal is the upgrade of existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effects on residential amenity.

Reasons

3. The appeal site is within Preston, which is a suburban area just to the north of Paignton town centre, on the junction of the main Torquay Road and a side road, Upper Headland Park Road. The advertisement would be on the side of a 3 storey building on the corner of this junction, facing the side road.
4. Upper Headland Park Road is a long established residential area. The houses address the road with gabled rooflines and projecting bay windows. The front gardens and parking areas are small and lined by a variety of low walls. The ground and first floor windows of several houses face the appeal site, in close proximity as depicted by the submitted cross section. These houses are also elevated, being broadly at the same height as the advertisement.
5. It is proposed to replace the fixed poster advertisement with a digital display, which would change every 10 seconds. Due to the proximity involved, this changing display would be a nuisance and disconcerting to the adjacent residents. This would be ongoing throughout the day and every day. The disturbance is likely to be unsettling and cause anxiety.

6. The luminescence of the new advertisement is another consideration. However, this could be controlled by condition, which at an appropriate low specified level should minimise this particular impact.
7. At the time of my site visit I saw a similar advertisement to the south of Torquay Road, but that does not face residential buildings.
8. I therefore conclude that the proposal would be likely to undermine the basic living conditions and wellbeing of the residents. In arriving at this conclusion, I have had regard to Policy DE3 of the Torbay Local Plan, December 2015 and Policy PNP1 (c) of the Paignton Neighbourhood Plan, June 2019, as well as paragraph 91 of the National Planning Policy Framework. These all seek to safeguard residential environments, and the proposal would be in conflict with these. I am also aware of the submitted comments from neighbouring residents.

Other matters

9. The advertisement would be close to a road junction which could in principle lead to some potential distraction. However, the traffic light regime and road layout dictate the single through route and help isolate road users from oncoming traffic. The pedestrian crossing is also beyond the advertisement and consequently users would not be distracted. Therefore, I consider the highway safety impacts would not be significant. I have had regard to paragraph 108 of the National Planning Policy Framework, and Policy DE6 of the Torbay Local Plan, and the proposal would not be in conflict with these.
10. The proposal replaces an existing advertisement. There are also other signs on the frontage as well as an air conditioning unit and telecommunication cabinets. Given this context, I consider that the proposal would not significantly harm the character and appearance of the area. I have had regard to Policy DE6 of the Torbay Local Plan and Policy PNP1 (c) of the Paignton Neighbourhood Plan, and the proposal would not be in conflict with these.
11. The existing sign and frame are slightly dilapidated. There has been a suggestion that optimum use is not being made of the opportunity and the new advertisement could improve the overall appearance. However, I do not consider this to be a significant benefit.
12. I have not been made aware that the proposal impacts on any heritage assets and none seemed evident on my site visit.

Conclusion

13. I therefore conclude that the appeal should be dismissed due to the impact on the living conditions of nearby residents.

John Longmuir

INSPECTOR